

BUREAU OF LAND MANAGEMENT  
GRAZING ADMINISTRATIVE REGULATION REVISION  
PUBLIC SCOPING MEETING

PUBLIC INPUT

Taken at Holiday Inn Grand Montana  
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Billings, Montana 59101

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2 P R O C E E D I N G S

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4 MR. REUWSAAT: We will go ahead and start.

5       We have the cards that you gave us when you came in,  
6       and we will start here in a second after we move the  
7       podium so if you have prepared text you have  
8       something to set your papers on.

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9           Our first lucky participant is Darryl
10          Olson.

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11 MR. DARRYL OLSON: I'm a rancher from South  
12 Phillips County, and I'm on the South Phillips  
13 Grazing District, and just want to thank you for this  
14 opportunity to participate in this, and I hope that a  
15 lot of decisions that you make are based on sound  
16 science and the process of this, and I'll have some  
17 written comments later. Thank you.

18 MR. REUWSAAT: Now we're ahead of schedule.

19 Dyrck Van Hining. Is that correct? Very good.

20 MR. DYRCK VAN HINING: My name is Dyrck Van  
21 Hining. I'm from Great Falls. I have prepared text,  
22 which I will leave afterwards. I'm a volunteer  
23 member of the Montana Wilderness Association, the  
24 chapter in Great Falls.

25 When I read the Federal Register "Locked

1           Gates on Public Lands to Protect Livestock  
2           Operations," I was deeply concerned. Not in America  
3           this is not going to happen. This has got to be  
4           stopped. Get the word out. And that's why I am here  
5           tonight and drove 265 miles down from Great Falls.

6                       I have learned in my discoveries for this  
7           scoping meeting that there seems to be no reason for  
8           the change. We are considering -- the Federal  
9           Register says we are considering changes through the  
10          regulation to clarify current requirements and to  
11          allow better rangeland management and permit  
12          administration.

13                      Before the current 1995 rules were proposed  
14          and implemented, hundreds of public hearings and talk  
15          sessions throughout small towns in the west were held  
16          by Interior Department and BLM people. Three court  
17          cases were tried, costing thousands of dollars in  
18          expense to interested parties and to the government,  
19          and 1995 rangeland regulations stood the test. There  
20          is some hope riparian areas in upland conditions will  
21          improve.

22                      The first of these court cases was brought  
23          by the Public Lands Council and several livestock  
24          operations in the United States District Court,  
25          District of Wyoming. The District Court found that

1 of the ten new regulations in the 1995 grazing  
2 provisions, four regulations were invalid and  
3 enjoined their enforcement.

4 These four regulations are probably the  
5 heart of what the Federal Register was talking  
6 about: The use of terms "grazing preference" and  
7 "permitted use" to denote priorities and specify  
8 grazing uses for purposes of issuing permits, the  
9 permitted use rule; ownership of title to range  
10 improvements, range improvements rule; the  
11 elimination of requirement that applicants for  
12 permits  
13 must be engaged in the livestock business, the  
14 qualifications rule; and, number four, the issuance  
15 of permits for conservation use in addition to  
16 permits for the grazing of livestock, the  
17 conversation rule.

18 Three of these four regulations were  
19 reversed by the U.S. 10th Circuit Court of Appeals,  
20 Public Land Council versus Babbitt 1999. By a  
21 unanimous decision of the U.S. Supreme Court in 2000,  
22 the Court upheld the 10th Circuit Court on reversing  
23 the three decisions from the District Court, and  
24 overturned the 10th Circuit Court in the fourth case.

25 These are some of the strong precedents for



1 the rule the BLM is now trying to reverse, stating  
2 the only reason is that the BLM is committed to  
3 changes reflecting the secretary's four C's,  
4 philosophy of consultation, cooperation, and  
5 communication, all in the service of conservation.

6 I have been unable to find out any  
7 information at local levels why. And we found out  
8 some of that tonight. This is a top-down decision.  
9 I work with a number of BLM and forest service  
10 individuals on grazing analysis. I brought just a  
11 couple of these to show you, the Upper Missouri River  
12 Breaks environmental assessment, and, nothing to do  
13 with this hearing, but the Forrest Service Sheep  
14 Creek range analysis.

15 On the Forrest Service Sheep Creek range  
16 analysis, the preferred alternative calls for a 29  
17 percent reduction in AUM's. There's a statement in  
18 there that says that even old timers have never seen  
19 a functioning riparian area, that the resource has  
20 been damaged so long.

21 The BLM Upper Missouri River Watershed  
22 listed "unauthorized livestock of an unknown origin,"  
23 and this is a little five-word thing throughout the  
24 document. I'm personally familiar with an individual  
25 on the north side of the Missouri in the Bull Whacker

1 area that has been putting cattle in there for at  
2 least six years on unauthorized land, private  
3 property on public property, and I think possibly  
4 this document should address those type of cases.

5 There's some tremendous need for that, and  
6 it's most difficult for federal land managers to do  
7 anything with the land when you have those situations  
8 going on.

9 I would like to address tonight two of  
10 these areas that I talked about earlier out of the  
11 Federal Register, and the first one is the use of the  
12 term "grazing preference" or "permitted use" to  
13 denote priority and specify grazing use for purposes  
14 of issuing grazing permits, or the permitted use  
15 rule.

16 And most of this -- actually, all of this  
17 information I'm going to give you came right out of  
18 the 10th Circuit Court of Appeals and out of the  
19 Supreme Court decision. And being that I will run  
20 out of time here in about one minute, 43USC, section  
21 315b -- half a minute -- says that this shall not  
22 create any right, title, interests or estate in or to  
23 the lands.

24 Being that I'm going to run out in two  
25 seconds here, I'm going to just end this. Grazing is

1 a privilege and not a right, and we would appreciate  
2 you looking at the different areas in this  
3 presentation. Thank you.

4 MR. REUWSAAT: Thank you for being prompt.  
5 Maicy Jones. Maybe it's Mary Jones. Oh, that's an  
6 R. Looked like an I-C. Mary Jones. Sorry.

7 MS. MARY JONES: My name is a Mary Jones,  
8 and I'm with the Friends of the Missouri Breaks  
9 National Monument, and we are a diverse group, with  
10 our office in Lewistown, Montana. The friends of the  
11 monument checked the BLM comments that were sent in  
12 with these scoping comments. There were 5,700, and  
13 over 98 percent of those comments had to do with  
14 preserve, protect restore.

15 With that in mind, the Friends of the  
16 Missouri Breaks Monument would like to see the  
17 current regulations continued, unaltered. You're  
18 placing so much land at so much risk.

19 There are 15 grazing rules being  
20 reconsidered. The administration says they will give  
21 community based land managers and grazing permit  
22 holders more flexibility. History has proven that  
23 this has not been successful in the past. The Taylor  
24 Grazing Act went into effect during similar draft,  
25 and grazing damaged conditions that we see today.

1                   It was supposed to help assure the citizens  
2                   of the United States that deplorable public land  
3                   conditions would not be allowed to continue. At the  
4                   end of the 1980's a survey of public land condition  
5                   showed degradation on all types of land, including  
6                   the riparian area.

7                   The need to shape the grazing policy that  
8                   is driven more by the requirements of the land than  
9                   by than by the desires of the certain industry, you  
10                  are again, as in the past, stressing those resources  
11                  presumed to be most economically available to  
12                  municipal enterprises. It's time to manage the  
13                  resource for its primary function, which is the  
14                  preservation of diversity.

15                  Perhaps the four C's should be  
16                  coordination, centralized and coherent planning for  
17                  conservation of a whole system of life. Public land  
18                  maintained in it's natural, healthy condition makes  
19                  it possible for America to prosper. It is not  
20                  something to be used and abused by a select few.  
21                  Thank you.

22                  MR. REUWSAAT: Randy Tullay.

23                  MR. RANDY TULLAY: My name is Randy Tullay  
24                  from Billings here, and I just want to comment on the  
25                  possible lock in the grazing of public land. I'm all

1           for helping farmers and ranchers all you can. I  
2           don't pretend to know anything about it, but I know I  
3           pay just as many taxes as they do, probably more than  
4           a lot of them, and I should have access to that land  
5           just as much as they do, and I would just like to  
6           comment that I don't want those locked up at all.  
7           Thank you.

8                       MR. REUWSAAT: You're being penalized for  
9           not using your six minutes.

10                      MR. RANDY TULLAY: They can have my other  
11           minutes.

12                      MR. REUWSAAT: Ron Moody.

13                      MR. RON MOODY: Good evening. My name is  
14           Ron Moody from Lewistown, Montana. Today I'm the  
15           secretary of the Montana Wildlife Federation. In  
16           1998 I was president of Southeastern Montana  
17           Sportman's Association and greatly engaged in an  
18           extensive public debate over rangeland reform as  
19           proposed at that time by Secretary Interior Bruce  
20           Babbitt.

21                      We came to a resolution on those rangeland  
22           management proposals and that program, and in the  
23           intervening years it has not come to my attention as  
24           to why those rules are not working and why the system  
25           is broken. And I have to challenge the leadership of

1       the department to present the case for necessity of  
2       rule change before we engage that process. It is not  
3       a given in the minds of many stakeholders that this  
4       is not a management action. It is a political  
5       action, and it is a political action directed to  
6       subordinate -- the interest of the American public to  
7       the profit of a small -- relatively small special  
8       interest group.

9               Now, I have introduced myself, and I know  
10       that you can see me here, but I feel like the  
11       invisible Montanan. And the reason that I feel that  
12       way is that for ten years we have been coming to  
13       these meetings standing up here saying the problem  
14       that we face in relationship to the management of  
15       public lands that the Forest Service and BLM has  
16       access to, and for ten years a man by the name of  
17       Paul Burke came to every one of these meetings and  
18       waved these booklets to a group of people sitting at  
19       the head table, saying pay attention to this issue,  
20       and instead we're talking about reverting to a set of  
21       grazing rules which were resolved years ago.

22               Why can't we talk about the problem that  
23       the majority of the people in this country and the  
24       majority of the people in this state are having with  
25       management of BLM public lands. Why is that issue

1 not on the agenda. Why is grazing the issue on the  
2 agenda, when those decisions have been made to the  
3 satisfaction of the courts, and to, apparently, the  
4 progressive working ability of the management,  
5 because the case has not been made to us, the people,  
6 that these rule changes are needed.

7 Now, I was most interested in the sentence  
8 in the Federal Register, BLM is committed to making  
9 the changes to reflect the secretary's four C's, the  
10 philosophy of consultation, cooperation, and  
11 communication all in the service of conservation.

12 There has been no consultation with the  
13 people who are stakeholders in that public land.  
14 There has been no consultation. There has been no  
15 opportunity for cooperation. This process that we're  
16 engaged now is predicated by pitting competing  
17 interest groups against each other.

18 And certainly the communication has been an  
19 article in the Federal Register. I cannot foresee  
20 that much conversation is going to come from this.  
21 The proposed rule changes are a solution looking for  
22 a problem. If you want to engage in community based  
23 collaborative management, give the problem, if you  
24 have one that you can document and demonstrate --  
25 give it to the people to work on. Let them bring a

1 solution to you. Don't start in Washington D.C. and  
2 try to force feed a solution to us.

3 Thank you very much.

4 MR. REUWSAAT: Dave McClure.

5 MR. DAVE MCCLURE: Yes. Thank you. I'm  
6 Dave McClure. I'm president of the Montana Farm  
7 Bureau, and here representing over 10,000 member  
8 families. And over half of those do have cattle, and  
9 a share of them have grazing permits.

10 I'm a farmer/rancher from the Lewistown  
11 area, and I have had a BLM permit in the past, but  
12 you don't presently have that. But thanks for the  
13 opportunity to be able to comment and participate in  
14 the decision making.

15 Just a few items that were mentioned in  
16 your press releases. We think that the concept is  
17 that may help to improve the conditions of the range.  
18 However, the allotments should not be taken from  
19 existing allotments. We fully support that ranchers  
20 should share title to range improvements. Those  
21 farmers and ranchers who pay and construct range  
22 improvements should have an ownership interest in  
23 them. We think that would be an incentive for  
24 range improvement.

25 On extending the permitted non-use from



1 three to five years, it should be drafted in a way  
2 that applies only to people engaged in the livestock  
3 business, as required by the Taylor Grazing Act.  
4 We'd like to see it clarified that the BLM will  
5 follow state law with respect to acquisition of water  
6 rights, and we'd support an amendment that would  
7 allow water rights for livestock grazing to be  
8 required in the name of the permittee, as was allowed  
9 before 1995.

10 The BLM managers should not take actions  
11 against a permit for actions that do not violate the  
12 terms and conditions of the permit itself. The  
13 Taylor Grazing Act requires landowners be engaged in  
14 the livestock business, and that stood in the court  
15 case. But that ruling -- or that requirement was  
16 never removed from BLM regulations. So we'd support  
17 that being removed. We support a provision that  
18 strikes conservation use from the regulations and  
19 restores the permit and preference holders must be  
20 engaged in livestock business, as required by the  
21 10th Circuit and the U.S. Supreme Court. We also  
22 support the definition of grazing preference to the  
23 prior definition.

24 There is another area that you didn't lift  
25 in your material. We'd like to see it clarifying the

1 provision from grazing preference transfers. When  
2 those transfers do not impact the environment but are  
3 only minor paper changes, perhaps within a family, we  
4 don't think that should be subject to the need for  
5 documentation.

6 We will be submitting written comments, but  
7 thank you for your time.

8 MR. REUWSAAT: Alvin Ellis.

9 MR. ALVIN ELLIS: I'm Alvin Ellis from Red  
10 Lodge, Montana. We have BLM allotments here north of  
11 town. My comments fall in line with Dave McClure's  
12 and the first gentleman of Phillips County. We need  
13 to base this on sound science, and somehow I believe  
14 we lost that in the last 15 years.

15 I will not repeat all the stuff that's  
16 already been said, but I will submit that in writing.  
17 I would like to bring up one other point, however,  
18 and that is that without an equal opportunity for the  
19 permittee, equal opportunity is wrong -- excuse me.  
20 Without the opportunity of the permittee to have some  
21 ownership in the improvements he makes, you greatly  
22 hinder his incentive to improve that ground for all  
23 of those who use it, the recreationalists, the  
24 wildlife, and the permittee himself, and that is  
25 something I really wish we can address through this

1 process. Thank you.

2 MR. REUWSAAT: Ray Marxer.

3 MR. RAY MARXER: I'm Ray Marxer from  
4 Dillon. I manage a large ranch down there, and we  
5 have quite a few BLM allotments and have been  
6 involved in managing resources for a little over 30  
7 years. Also, I'm a member of the Montana Stock  
8 Growers and National Cattleman'S Beef Association.

9 I would mention that we were 1999 National  
10 Environmental Stewardship Award winners. I guess I'm  
11 encouraged by just the process that the BLM and  
12 Department of Interior is at least looking at some  
13 different things from the standpoint of permittees or  
14 resource managers, which is what we are, and the  
15 beforementioned debates that went on about rangeland  
16 reform.

17 To be honest, this is probably the reason  
18 there is a lot fewer hands in the room through the  
19 years, is that these scoping deals, it was basically  
20 we left there with the feeling that this was a token  
21 opportunity to speak our mind, but it was -- the  
22 decisions were already made, just like some of the  
23 other folks mentioned here. We hope that is not the  
24 case here either.

25 But I am encouraged by this, because some

1 of the things that have been suggested encourage  
2 partnership, and regardless of what side of the fence  
3 we're on, we're all partners. And we need to be  
4 partners in order for -- to achieve rangeland and  
5 resource health, and I think we lose sight of that.  
6 A lot of times we have lost sight of that in our  
7 power struggles towards controlling land or  
8 resources.

9               Probably I would say that I have seen  
10 throughout my career there is probably more large  
11 scale range improvement in the '70s and '80s than  
12 there has been in the '90s. I guess another comment  
13 would be that while we're all in this as partners,  
14 that the BLM and Forest Service, and whoever it might  
15 be, as well as private land owners, we're all  
16 neighbors, and we have things that the BLM has a  
17 responsibility to be a good neighbor also.

18              And I -- that's where I thought we were  
19 coming from, or the suggestion of the locks and the  
20 gates. I'm not much in favor of locks and gates to  
21 keep people off of public land, but I do know, after  
22 having just gone through -- or in the process of  
23 being very involved in a resource management plan for  
24 our Dillon field office that encompasses everything  
25 under the sun -- I realized that there is sometimes

1           when we have got to protect some lands, that one of  
2           the major things is from an infestation of invasive  
3           species. I think that is something that is probably  
4           a great threat.

5                       One of the things that I learned or have  
6           been reminded of in going through all of this process  
7           is I looked at different areas in our Dillon field  
8           office for different aspects, whether it is wildlife,  
9           grazing, stream side management, those kind of  
10          things. When you really look at the places that have  
11          really worked over time, that provides something of  
12          everything for everyone, multiple use doctrine works,  
13          and it can work.

14                      And that's one of my concerns in the past,  
15          say, ten or eleven years. What we have gotten to be  
16          doing is micromanaging everything. We have a -- we  
17          have environmental impact statements for every  
18          species of animal known to man, it seems like, and we  
19          concentrate on one at a time.

20                      In our Dillon field office we have got a  
21          concern over sage grouse, and at the same time in the  
22          exact same area we're trying to protect the largest  
23          hawk nesting area and population, one of the largest  
24          in the United States. It doesn't measure. We have  
25          got to look at the big picture.

1                   The other thing I would say -- it has been  
2                   mentioned before. I think it is really important for  
3                   the health of our resources and for our communities  
4                   and our culture that land management and resource  
5                   management is done by professionals, not by judges.  
6                   Another thing I'll leave you with is our observations  
7                   over time is that -- and I think a lot of our society  
8                   has missed this -- not totally, but some of them have  
9                   missed it totally, is that in order for biological  
10                  systems to be healthy over time, they have to have a  
11                  period of harvest, as well as periods of rest. And  
12                  if you don't believe that, look what your lawn would  
13                  look like if you didn't mow it. Same applies to  
14                  timber, to grazing, to wildlife, to everything.  
15                  Thank you.

16                 MR. REUWSAAT: Ellen Pfister.

17                 MS. ELLEN PFISTER: When I saw this in  
18                  Wednesday's paper and haven't heard a think about it,  
19                  I called the local field office. They didn't know  
20                  much. They said didn't you permittees get a notice.  
21                  And, no, we didn't.

22                 And since I'm out in the country and can't  
23                  get regular mail, why it's even slimmer. I read --  
24                  they faxed out the stuff that you handed out here  
25                  tonight. And reading it, it was pretty vague. And

1           although I have had a grazing permit for over 30  
2           years, and my folks been involved with it for back to  
3           the '40s, I felt like I had just come on the scene  
4           and didn't know what in the heck was going on.

5                       I still don't think I do, but there are a  
6           couple of things that I thought about over the years  
7           for -- with regard to grazing on public land. I  
8           believe, for one thing, it's a subsidy for the  
9           nation's chief food policy. And, yes, the grazing  
10          leases are cheap, but on the other hand, we have to  
11          accept certain things with those public leases that  
12          we don't have to accept if we lease privately.

13                      And one of them is we don't have complete  
14          control of the resource to use as we see fit. We are  
15          tenants of the federal government, whether you call  
16          us the permittee or a grazing preference person, we  
17          are still your tenants. We have to do what you say.

18                      The one thing that will enter into this  
19          eventually is, particularly for those of us that  
20          don't have large amounts of public permit, is when  
21          does it reach the point for us when it is more  
22          profitable to put our money into improving our own  
23          private ground as opposed to putting improvements on  
24          federal land. And for some of us where you have an  
25          allotment that the active AUM may be three cows a

1 year and it needs three miles of fence and a separate  
2 water system, you're lucky you are getting anything  
3 for it, because I have a half section that is being  
4 used elsewhere for free. So there are lots of  
5 circumstances that change with these. Where you  
6 might have a larger allotment, you'll have something  
7 else. But the small tracts, their economic use to  
8 the permittees may be reaching its level now. Thank  
9 you.

10 MR. REUWSAAT: John Gibson.

11 MR. JOHN GIBSON: Thank you for the  
12 opportunity to comment. My name is John Gibson. I'm  
13 the president of the Montana Wildlife Federation and  
14 also the chairman of the Conversation Committee for  
15 the Billings Rod and Gun Club. I also am a retiree  
16 of the Forest Service after some 32 years of working  
17 in the west. I want to go back a ways. I want to  
18 read a quote from President Theodore Roosevelt that  
19 probably is the greatest conversation president we  
20 have ever had. We do not intend that our natural  
21 resources shall be exploited by the few against  
22 interest of the many. Our aim is to preserve our  
23 national resources for the public as a whole, for the  
24 average man and the average woman who make up the  
25 body of the American people.



1                   Now, I really think that as you go through  
2                   this process you ought to test your ideas and  
3                   proposals against that mandate. As far as I'm  
4                   concerned, the concept of access -- you're going the  
5                   wrong way, frankly. There ought to be better access  
6                   to public land, rather than less. If you're going to  
7                   live with that access for the average man and the  
8                   average woman, to suggest that the permittee should  
9                   be  
10                  able to lock the gates is something really foreign to  
11                  me. I think that's way off target.

12                  As far as the water is concerned, I don't  
13                  see how you can say that you're a multiple land  
14                  manager if you lose control of the water. Water in  
15                  the west, as you know, is critical to almost every  
16                  resource we have. I would suggest that you hold onto  
17                  that water as an agency. The Forest Service should  
18                  do the same thing. Range improvements, as far as I'm  
19                  concerned, I think that they represent a vested  
20                  interest by a public interest in public -- private  
21                  interest in public land. I don't think we ought to  
22                  be allowing any private interest to have a vested  
23                  interest in the land or the resource out there that  
24                  belongs to everyone.

25                  Frankly, I have administered grazing

1 allotments where there is a visible line there, but  
2 on the map there may have been a boundary line, but  
3 on the ground there is nothing, and the cow here is  
4 grazing for 1.35, and over here the cow is grazing  
5 for eight to ten dollars an animal unit a month.  
6 There is no way that that is anything but a massive  
7 subsidy.

8 Again, I have to repeat what other people  
9 say. Why are we doing this. We just did this a few  
10 years ago. We just made these changes, and they were  
11 supported in the courts. I really don't understand.

12 I want to read through a paragraph from  
13 some comments that you're going to get. An  
14 individual gave it to me to return here, to get to  
15 you. The historic economies of the west are quickly  
16 changes. Tourism is the primary economic driver for  
17 the economics of the Rocky Mountain and desert  
18 states. These are the same states where hundreds of  
19 thousands of acres of public land are in poor  
20 functioning watershed condition because of  
21 distinctive grazing. These result in diminished  
22 multiple uses that are important to the water  
23 production, wildlife, tourism, and economies of rural  
24 communities.

25 Now, I'm sure there is some of you who feel

1           that that was probably written by some environmental  
2           tree huger.  Actually, it was written by Mike  
3           Penfold.  Some of you may have served with him.  Mike  
4           was a director in the states of Montana and Alaska  
5           for the BLM.  He was also deputy director, as I  
6           understand it, for the entire agency of the BLM.  He  
7           knows of what he speaks.

8                       I'm concerned from another standpoint.  
9           There are a lot of people out there that would like  
10          to see the end of grazing on public land.  I'm not  
11          one of them.  I don't believe, and the agencies I  
12          represent or the organizations do not believe that  
13          grazing on public land should come to an end, but if  
14          you try to steamroll this stuff through -- and I'm  
15          afraid that's how I see this -- you are playing right  
16          into the hands of those people who want to end  
17          grazing on public land, so be careful.  Thank you.

18                      MR. REUWSAAT:  Bill Noble.

19                      MR. BILL NOBLE:  My name is Bill Noble.  I  
20          represent the Public Lands Foundation, headquartered  
21          in Washington, D.C.  I'm the Montana representative.  
22          Our comments on the proposed rule making of the range  
23          management environmental impact statement is as  
24          follows, and these comments are conceptual in nature.  
25          I didn't have benefit of a proposed regulation to

1 comment specifically, so these are conceptual  
2 comments.

3 A, since BLM and the Forreest Service have  
4 identical legislative mandates guiding the management  
5 of the public lands under each agencies jurisdiction,  
6 the fact that the lands are in many places similar in  
7 character, the fact that they adjoin each other in  
8 most areas, and the fact that many grazing permittees  
9 hold permits with both agencies, then any changes in  
10 the current BLM grazing regulations must produce  
11 policies that are identical to those of the Forest  
12 Service. Where inconsistencies exist in the current  
13 regulations, those regulations could be modified  
14 accordingly.

15 B, the ownership of physical improvements  
16 placed on the public lands must be held by the land  
17 management agency. This is particularly important  
18 when such improvements are important to multiple uses  
19 of the land.

20 C, the land manager must have the  
21 regulatory authority to make needed changes in  
22 grazing either immediately or before the next grazing  
23 season, to protect and enhance the condition of the  
24 land. In this regard, the grazing appeal process  
25 needs to be streamlined to prevent extended delays

1 and permit timely decisions. Such concepts as "show  
2 cause" and "full force and effect" should be included  
3 and become routine policy in BLM.

4 D, a decision must be required to made  
5 early in all land use plans which determines those  
6 lands suitable for grazing and those unsuitable.  
7 Where lands are determined to be unsuitable for  
8 grazing, grazing preferences to graze such areas must  
9 be phased out as soon as practicable, but no later  
10 than in ten years following the filing of the record  
11 of decision for the land use plan.

12 E, non-federal land offered for exchange of  
13 grazing use must be physically located within the  
14 area or allotment where the grazing will occur.

15 F, a grazing preference should be  
16 considered for cancellation should the permittee  
17 prevent the general public obtaining lawful access  
18 with public lands without written permission from the  
19 BLM land manager. In this regard, no permittee  
20 should be able to profit commercially by selling  
21 access public land resources. The egregious practice  
22 of maintaining and running a business by providing  
23 exclusive use of public land resources, particularly  
24 fish and wildlife, because private lands owned by a  
25 grazing permittee blocks public access to the public

1 lands must be cause for loss of the grazing  
2 preference. Further, the practice in some states of  
3 a grazing permittee extracting an access fee from  
4 private companies such as an oil and gas company who  
5 have applied for a right-of-way permit across the  
6 public lands in a grazing permittee's allotment must  
7 also be grounds for cancellation of the grazing  
8 preference.

9 G, provisions should be provided to  
10 authorize periodic competitive bidding for grazing  
11 use in each state for the sole purpose of aiding in  
12 determining the current fair market value for forage.

13 H, BLM should apply for and hold under  
14 state law all water rights needed for all appropriate  
15 uses and management of the public lands.

16 I, there continues to be many small  
17 permittees who do not make a living from their  
18 livestock, but see it as a hobby, with their income  
19 coming from work not related to ranching. Such small  
20 operators do not have the economic capability to  
21 perform proper range management to maintain the  
22 public lands in proper condition. We do not have an  
23 answer, but BLM should be working toward resolving  
24 this problem.

25 J, the designation of reserve common

1 allotments has merit. As a source of such forage,  
2 BLM needs to consider the lands in the Department of  
3 Agriculture, Farm Service Agency's Conversation  
4 Reserve Program of private land where large sums of  
5 federal funds are invested each year. The Grassland  
6 Reserve Program should contain procedures wherein  
7 both BLM and the Forest Service may temporarily  
8 transfer grazing use from public lands to such  
9 enrolled lands.

10 Thank you. And I'll hand in a copy of this  
11 for your benefit. I know I read it fast.

12 MR. REUWSAAT: Nick Jarvich.

13 MR. NICK JARVICH: I'm Nick Jarvich. I  
14 live north of Roundup. I ranch in both Yellowstone  
15 and Muscleshell, and I appreciate the BLM wanting  
16 comment on this, and I'll submit comments later on  
17 this thing, but I think it's really nice that we can  
18 at least voice our opinion.

19 MR. REUWSAAT: James Phelps.

20 MR. JAMES PHELPS: My name is James Phelps.  
21 I'm a resident of Billings, and have been a resident  
22 of Montana and/or Idaho since 1937, except for World  
23 War II. I was a senior in high school when the  
24 Taylor Grazing Act was enacted in 1934. I'm a member  
25 of Montana Audubon and one of its members and

1 interested in natural resource issues.

2 Montana Audubon is a coordinating entity  
3 for the ten Audubon chapters located in Montana. We  
4 have about 4,000 members in the state. In 1992 we  
5 approved a resolution stating that council recognizes  
6 and approves grazing of domestic livestock as a  
7 legitimate privilege of utilizing public lands.

8 It's the use of the word "privilege." It's  
9 not a right, but a privilege. We will present a more  
10 detailed written statement prior to the May 2nd  
11 deadline. It's sufficient to say at this time, we  
12 are, one, totally and ultimately opposed to granting  
13 permittees control of access; and, two, BLM should  
14 apply for and hold water -- and hold in their state  
15 law all water rights needed for all appropriate uses  
16 and management of public lands. Water should stay  
17 with the land. On physical improvements, that's the  
18 question.

19 Thank you very much.

20 MR. REUWSAAT: Dick Loper.

21 MR. DICK LOPER: Thank you. I'm Dick Loper  
22 from Lander, Wyoming. I'm a rangeland consultant for  
23 the Wyoming State Grazing Board, and I'm presenting a  
24 few comments on their behalf today. Thank you for  
25 you fellows coming out from Washington, D.C. I know



1           it is a treat for you coming west, and we all  
2           appreciate you coming west. Even though you are back  
3           there and we can call you on telephone, it is always  
4           good to have somebody to talk to and visit with  
5           face-to-face.

6                       With respect to the advance notice, we know  
7           just a few suggestions that have come out of your  
8           office, words to kind of think about kind of. We  
9           know that the comments that are supposed to come into  
10          you are supposed to come in on the entire set of  
11          regulations. We do fully intend to provide comments  
12          on a number of items, in addition to the advanced  
13          notice items.

14                      We feel like there are a number of changes  
15          that were made back by Secretary Babbitt that were  
16          not  
17          in the best interest of resource management, that  
18          didn't improve the country like maybe some folks  
19          thought they might. They need to be revisited now.  
20          We appreciate your attention to some of those items.

21                      We also feel like a number of those things  
22          were actually punitive. They weren't necessarily  
23          designed to improve the resource conditions.  
24          Secretary Babbitt was about as tough on BLM as he was  
25          anybody else, and so a number of those things

1           actually caused people some extra work and not much  
2           production on the ground, so we will be commenting on  
3           a few of those items as well.

4                       Thank you for this opportunity, and we will  
5           get back to you in more detail later. Thank you.

6                       MR. REUWSAAT: Thomas Tier. Thomas E.  
7           Tier, Jr.

8                       AUDIENCE MEMBER: He left, I think. He had  
9           another meeting.

10                      MR. REUWSAAT: Vicki Olson.

11                      MS. VICKI OLSON: My name is Vicki Olson.  
12           I'm a rancher from Phillips County, and I'm also on  
13           the Montana Public Lands Council. And I would like  
14           to thank you gentlemen and whoever else for coming  
15           out and listening to the concerns and stuff.

16                      We all know that none of us have the  
17           regulations in hand, but we still would like to thank  
18           you. Our participation would have probably been  
19           larger, except this is calving season in Montana, and  
20           there is a storm coming in, so it kind of eliminated  
21           about half, three-quarters of our participation. We  
22           will give you comments in writing. Thank you.

23                      I just hope that the environmentalists  
24           don't come out whole hog on this against this, just  
25           because the newspaper was quoted the other day it may

1 help the rancher. After all, we are the provider of  
2 food and fiber for the nation, and the federal lands  
3 are very important to the west.

4 You take production out of the federal  
5 lands and counties like ours are going to dry up and  
6 blow away, and that's not going to help the wildlife  
7 at all, since public land managers and ranchers in  
8 general provide a lot of things for the wildlife.

9 And one of things that we are sorry to see  
10 within the BLM is the fact that we have been  
11 replaced, a lot of ranch managers, with wildlife  
12 biologists. And we are multiple use, is what the BLM  
13 is for. We would sure hate to see condos out there  
14 instead of cows. And that's what we feel we provide,  
15 is open range.

16 And the one man's comment on political --  
17 he thought this was a political action, I kind of  
18 find that hard to believe, since I don't think this  
19 is going to win Bush a whole lot of things, since he  
20 does help the rancher. That just isn't my concept.

21 Some of the things that we have implemented  
22 earlier have not exactly panned out for the  
23 resources, and I really think that the BLM land and  
24 stuff is in better shape, even though we're in a  
25 drought, than it has been in many, many years, and

1           that allowing us some flexibility and stuff will do  
2           nothing but help us in -- and you in managing, and  
3           that the local involvement in these decisions and  
4           stuff can do nothing but help. And for that we thank  
5           you, and I will be submitting more comments later.  
6           Thank you.

7                       MR. REUWSAAT: For the common good of all,  
8           we will take a five-minute biological break. Be back  
9           in five minutes, please.

10                      (Whereupon, a break was taken.)

11                     MR. REUWSAAT: All right. We're ready to  
12           start again. Jack Turnell, please.

13                     MR. JACK TURNELL: Thank you. And thank  
14           you for being here and allowing us to speak this  
15           evening. I'm not here to get into specifics tonight,  
16           because the Wyoming people are going to get into that  
17           later.

18                     Just to give you an idea where I'm coming  
19           from, I'm president of the Wyoming Stock Growers  
20           Association, and I'm a rancher at Pitch Fork Ranch in  
21           Wyoming. Our family has been very active in  
22           maintaining and working with wildlife and the  
23           antelope in the early 1900's and so forth.

24                     My comments would be in general that  
25           historically there's probably been some things that

1           took place that should have taken place on both sides  
2           of the ball, but where we're coming from right now is  
3           that we really want to talk about communication,  
4           education, and cooperation, and lay to rest these  
5           problems that we have had over these years, whether  
6           it be access income through my ranch.

7                     Anytime you're going to do something on my  
8           private lands, you better ask me. And I think that's  
9           fair. And we have been pushing for that in Wyoming,  
10          and I think we're moving that away continuously.

11                    I have heard people tonight talk about  
12          ranchers in so many terms, that we maybe want to  
13          control this, control that. But the truth is all we  
14          want control of is the ability to preserve open  
15          space, wildlife, and our livelihood. That's why  
16          we're here.

17                    And you can talk about access. You can  
18          talk about fences. You can talk about water. And if  
19          you lose that, Montana, Wyoming, or any other state  
20          will have a problem. So I think we should stick by  
21          our constitution, but the key to me is to work  
22          together, specifically work together, whether it be  
23          the BLM or the Forest Service or the state lands or  
24          the general public in our communities, sit down.

25                    That's the reason I worked on coordinated

1 resource management, to sit down together to make a  
2 go, to work together to lay these issues to rest. I  
3 think it's -- you know, we got together with the  
4 Wyoming Wildlife Federation and different people down  
5 there to say, hey, look, we have a lot of things  
6 together that we can do, and hat's where we should  
7 go.

8 We shouldn't be pointing fingers and saying  
9 this and that. Don't argue about -- I heard  
10 something about the grazing fee. The grazing fee,  
11 Piperidine University and Utah State has already  
12 proven that the labor, the time, and everything we  
13 put into those lands brings it up to the same value  
14 as what we leased out private lands.

15 So, to me, that's not an issue. You may  
16 see a buck thirty-five, but in reality it is 14 bucks  
17 by the time we put all that stuff into it. And I  
18 have often said that I would trade private lands.  
19 Some of my eastern friends talked about this issue.  
20 I said fine, I have got 70,000 acres of public lands.  
21 I'll trade you 10,000 for deeded in the Missouri.  
22 How's that. That's a fair trade. You get the good  
23 deal. So it is not about that.

24 It's about public access. And the  
25 philosophy that who owns the land or who owns the

1 wildlife or who owns the earth, if you will, it is  
2 not about that to me. I don't think that's what it's  
3 about to my industry. It's about the ability to make  
4 a living on a fair basis and work with different  
5 people, different interests on a local level. And I  
6 hope the BLM will move this towards the local level  
7 and people get together at the local level to make  
8 decisions about the resource management, and then we  
9 can move ahead.

10 I got the card for one minute, so all I can  
11 say is that we will have comments later in detail,  
12 but right now I guess tonight is more philosophical.  
13 But thank you for being here.

14 MR. REUWSAAT: K.L. Bliss.

15 MR. K.L. BLISS: Well, thank you for the  
16 opportunity to speak, and thank you for the direct  
17 moisture that you brought to the area. It's  
18 certainly appreciated. Come back anytime.

19 I'm a rancher from Sand Springs, Montana,  
20 and I will submit my comments in writing later. They  
21 will be addressed from that perspective. Although, I  
22 am on the board of directors of the Montana Stock  
23 Growers, the Public Lands Council of Montana, and I  
24 am the president of the National Public Lands  
25 Council. I would just like to make a couple general

1           comments, kind of food for thought, if you will.

2                       First of all, we were surprised that  
3           anybody on this locked gate issue -- that it seems to  
4           be causing a lot of controversy and a lot of  
5           heartburn. We don't know where it comes from. We're  
6           trying also to find out where this came from. It did  
7           not come out of the Public Lands Council, and I don't  
8           know where -- where it came from.

9                       I guess the other issue that -- or idea I  
10          would like to throw out there is we, as an industry,  
11          feel that we are for the most part doing a much  
12          better job than we ever have in the past. People are  
13          -- ranchers are better educated. They are much more  
14          environmentally aware than they ever were.

15                      And there's no doubt about it. There is  
16          cases where there are problems, but a lot of these  
17          problems took a hundred years or more to get in the  
18          condition to where they are, and they're not going to  
19          be fixed overnight. But we are, as an industry,  
20          making great progress, and I think we should get a  
21          little recognition for what we do.

22                      Also, it seems that everything is either  
23          caused by or affected by the cattle grazing. I mean,  
24          if -- from the dinosaur extinction to the Grand  
25          Cannon, whatever is happening on the range, it's the



1           fault of the livestock grazing. And consequently,  
2           we're the ones that seem to take the brunt of  
3           decisions from BLM and the agency.

4                     If there is a problem or perceived problem  
5           on the range, when the environmental community starts  
6           beating on the federal agencies, their reaction is to  
7           cut livestock grazing. And we feel that we need real  
8           scientific based data monitoring, and those things,  
9           not just a knee-jerk reaction, because, let's face  
10          it, livestock grazing is one of the few, if not the  
11          only area-wide uses that the BLM really controls.  
12          You don't control the weather. For the most part you  
13          don't control the wildlife, unless it's an endangered  
14          species.

15                    All these things have so much impact on the  
16          rangeland. But if you get beat up on it, what do you  
17          do? To seem like you're doing something, you cut  
18          livestock numbers. That's the first reaction. And  
19          we feel those kinds of decisions have to be based on  
20          science, not just a reaction to get the public off  
21          your back.

22                    I would like to remind you that there is a  
23          difference between interested parties and affected  
24          interests. The decisions that are made affect  
25          families, ranches, livelihoods, and traditions that

1 have been there for generations. So there is a  
2 difference between interested parties and affected  
3 interests. Like they always say, it's kind of like  
4 ham and eggs for breakfast. The chicken was  
5 involved, but the pig was committed. And, folks,  
6 that's where we're at, and I hope you remember that.

7 We will be submitting formal comment.

8 Thank you.

9 MR. REUWSAAT: Johnnie Schultz.

10 MR. JOHNNIE SCHULTZ: That's a hard act to  
11 follow. K.L., nice job. My name is Johnnie Schultz.  
12 I'm a rancher. I'm vice president of the Montana  
13 Association of Grazing Districts and serve on the  
14 committee of stock growers, and that about  
15 constitutes all my high paying jobs that I have got.  
16 I'd like to thank the present administration and you  
17 folks for the direction these grazing regulations  
18 seem to be taking. I really thank you very much for  
19 that. For the sake of time, a lot of my other things  
20 here I have jotted down, I'll submit some comments  
21 later. Thank you very much.

22 MR. REUWSAAT: Greg Kemp.

23 MR. GREG KEMP: Hello. I'm Greg Kemp, and  
24 I ranch up in the Missouri River Breaks National  
25 Monument, up by Judith Landing. And the first thing

1 I would like to do is thank you guys for coming  
2 and listening to our comments. And the second thing  
3 I would like to do is make a comment that God Bless  
4 our troops. I think everybody needs to pay attention  
5 to what is going on in the world. This stuff is  
6 pretty minor in the big picture. Without those  
7 people that we have right now, we wouldn't be able to  
8 sit here and comment to you.

9 I appreciate the opportunity to tell you  
10 the way we feel. I would rather do it in writing,  
11 and I'll write out a memo to you and tell you what I  
12 think about different things, but I really appreciate  
13 the fact that we can speak our peace. Everybody in  
14 here has an opinion, and that is what makes this  
15 country as good as it.

16 The last thing I want to say is for the  
17 people who don't like cattle on the land and don't  
18 like ranching and everything else, that land is our  
19 lifeblood. If we don't take care of that land, we  
20 don't have a life. It's very simple. We don't want  
21 to go out and abuse it. We don't want to go out and,  
22 you know, make it in bad condition.

23 If it's in bad condition, our cattle are in  
24 bad condition, and if our cattle are in bad  
25 condition, my bank account is in bad condition, and

1           nobody likes that. It is common sense. We take care  
2           of the land. It takes care of us, and I just want to  
3           thank everybody.

4                       MR. REUWSAAT: Darrell Olson.

5                       MR. DARRELL OLSON: My name is Darrell  
6           Olson. I'm a hunter education instructor for the  
7           State of Montana. I'm a recreational rancher that  
8           does these private leases. I guess I see it from all  
9           sides, and one thing, I want to reiterate some  
10          comments I heard earlier, is the only way we're going  
11          to resolve this is through grassroots cooperation  
12          between the sportsmen and the ranchers.

13                      I think if we get into a, you know,  
14          fistfight, nothing is going to get done. So the  
15          comments I want to say today are I agree that sound  
16          science needs to be behind this. We need to -- you  
17          know, one thing in the environmental impact statement  
18          that I would like to see is impacts on wildlife  
19          habitat of this grazing. And a lot of times you look  
20          pretty heavily at the cow -- you know, cow units,  
21          animal units, but I want to also look at the  
22          wildlife. A lot of times a huge issue in our region  
23          is these deer, these elk coming down grazing in these  
24          farm fields, eating these ranchers' hay. Let's look  
25          at these grazing leases so we can manage the

1 habitats, so maybe leave a little bit of habitat for  
2 the state wildlife so we don't have to be paying crop  
3 damages. Look at it from a scientific basis. That  
4 gets overlooked many times.

5 Other things I would like to see studies on  
6 are accesses. This is one of the largest issues.  
7 You'll find it's one of most polarizing issues in the  
8 environmental country we deal with. In this state,  
9 hunting is a part of our culture. I grew up hunting  
10 BLM land, and I would take great offense if they  
11 closed it down and they closed it down to my  
12 children.

13 So in the environmental studies I would  
14 like to see, you know, recreation be looked at as an  
15 equal weight as ranching, because it's a huge money  
16 maker for our state. Each one of these ranchers who  
17 own large tracts of land make money off of hunting,  
18 just like they do cattle grazing. It is a cultural  
19 issue to our culture up in Montana, Wyoming, the  
20 Rocky Mountain states.

21 Right now there has been many articles that  
22 we're losing our hunting base. We need it for sound  
23 biological management. We need hunters out there.  
24 We need access, but we're losing access. We're  
25 losing hunters. This is a huge issue that needs to

1 be dealt with, and I think this opportunity -- it  
2 goes right along with the grazing.

3 I think it is something we need to look at  
4 in these environmental studies. This process is  
5 probably one of the greatest processes out there, is  
6 this public participation. This is what this is all  
7 about, because it gives all of the opponents an  
8 opportunity to speak. On that note I'm going to  
9 close, and I will, you know, submit written --  
10 written notice.

11 One other quick thing I wanted to mention  
12 is I do lease private land, and I guarantee I have  
13 spent probably upwards of \$15,000 as a recreational  
14 rancher on private leases that I have done work on,  
15 whether it be fencing, putting up buildings,  
16 improving wells. And I see by allowing ranchers to  
17 purchase or become part owner in these facilities,  
18 it's another subsidy to the ranching industry.

19 I own a business. I don't get subsidies in  
20 my business. So it's a cost of doing business. I  
21 see that these ownerships in this -- this is public  
22 land. We can't lose that fact. The government  
23 shouldn't be subsidizing anything different than the  
24 private industry. So on that, I'll close. Thanks.

25 MR. REUWSAAT: Dale Strouf.

1 MR. DALE STROUF: For the record, my name  
2 is Dale Strouf. I'm a farmer in Fergus County,  
3 Judith Basin County area in Lewistown, and I put my  
4 hat on to identify myself on what side of the  
5 conversation I might be on. Otherwise, I'll take it  
6 off just to be polite.

17                   The 1995 rangeland reform, in my opinion,  
18                   was more rangeland refusal in order to -- a refusal  
19                   on behalf of political issues. I remind you that  
20                   agricultural producers are and always will be the  
21                   true environmentalists. We have been out there  
22                   trying to make our living off that land for years,  
23                   years, and years, and it is due to those people that  
24                   it will continue.

1 River Breaks Monument. The big part was preserve,  
2 protect restore. Okay. Preserve. We basically like  
3 that idea. Protect, yeah, basically like that idea.  
4 I think, however, people have a misconception of who  
5 we're protecting it from. I think most people  
6 in our area would rather protect it against the  
7 tourists.

8 Some of you may recall a geological anomaly  
9 called the Eye of the Needle. It sat there for  
10 hundreds and hundreds of years, until that area  
11 called the wild and scenic river started cashing a  
12 little bit of attention, brought some people in  
13 there, and then someone, some person, someone decided  
14 that they would take it upon themselves to destroy  
15 the  
16 Eye of the Needle. I'll guarantee you, it wasn't a  
17 rancher that was protecting that land.

18 And under the words "restore," the only  
19 thing they want to restore in that area is the flood  
20 plain, the cotton woods. Okay. How are you going to  
21 restore the cotton woods when you've got to flood it,  
22 deep flooding every couple of years. Talk to the  
23 corps of engineers about that. Talk to the people in  
24 St. Louis or New Orleans that are downstream from  
25 that type of flooding. They will kind of organize



1 with you and say maybe we shouldn't do that. I think  
2 they're doing a hell of a job out there, ranchers  
3 are, in protecting that land and keeping it running.

4 The next thing I want to talk about is the  
5 issue of these locked lands. We're not talking about  
6 locking this land off forever. We're talking public  
7 land, yes. But those are private animals out there.  
8 And I have personal friends that have some grazing  
9 leases out there. They put, I'll say, X number of  
10 yearlings out there to graze. They go in in the  
11 fall. When they go to roundup a little bit later,  
12 guess what? There is not as many as there used to  
13 be. Where did they go? Well, it was private land  
14 and it was private property, but it was killed. It  
15 was stolen. And a lot of times that's during the  
16 hunting season when gun shots are common. And, gee,  
17 instead of an elk out there, gee, there's a nice fat  
18 steer. Wouldn't it be nice that those people could  
19 lock the gate to that pasture where their private  
20 animals are for at least a window of time while their  
21 animals are in there.

22 Most of us that, say, live in town or near  
23 town get to lock our yard off. We're not allowed to  
24 allow campers to come in, start camp fires on our  
25 private land in our front yard. We would all get a

1           little bit perturbed about that. So I think it is  
2           only right that a private landowner, as long as his  
3           private livestock may be there and he's paying a fee  
4           to gain access to that land -- he should be able to  
5           protect that livestock.

6                     The reserve common allotment on some of  
7           your stuff that you published earlier, I drove down  
8           from Lewistown today through the Harlowton country,  
9           and that is mostly private land out there. And, boy,  
10          those guys could really use a common allotment  
11          reserve, because that grass has been hammered out.  
12          And that's probably what's happened on a lot of the  
13          BLM ground in the last couple years. We're in a  
14          drought. They need a little bit of protection if we  
15          can at all possibly find it.

16                    I don't want to take away current grazing  
17          rights, but if there is anything out there that could  
18          be had, I would sure like to support the fact that  
19          they can get into that. On the private land -- or  
20          private development issues or private improvements,  
21          okay, if you don't want us to own private  
22          improvements, then you pay for it all. We buy a car,  
23          we buy a pickup, it's our private property.

24                    We pay the taxes on it. We accept the  
25          responsibilities. If we're not going to be allowed

1           any privileges against those kinds of improvements,  
2           then BLM ought to pay the whole bill and stay that  
3           way. Because if they want to own it, let us stay  
4           there.

5                       I will be having a lot more other comments.  
6           Thank you. I probably pushed my limit. Thank you.

7                       MR. REUWSAAT: Mike Blatwell.

8                       MR. MIKE BLATWELL: I would like to say,  
9           again, thanks for letting us be here. Best friend of  
10          mine has a ranch in the Missouri River Breaks, which  
11          falls in the Missouri River Breaks Monument. He also  
12          has BLM leases that also lie within the monument.  
13          Interrupting any farmer or rancher in the production  
14          of their livestock in a sluggish economy such as this  
15          could prove devastating. As we all know, ranchers  
16          are the stewards of the land. I simply ask you to  
17          take this into consideration, without dealing with  
18          any additional fees or restraints on our farmers and  
19          ranchers. Thanks, and I will also submit further  
20          written comment.

21                      MR. REUWSAAT: Okay. I don't have any more  
22          official cards, but after all that, if there is  
23          anybody else in the audience who would like to  
24          provide comment, please do so now or forever hold  
25          your peace.

1                   MR. DYRCK VAN HINING: Could we ask one  
2 question and you refuse to answer if you wish?

3                   MR. REUWSAAT: Would you state your name  
4 again. We will let you. One exception.

5                   MR. DYRCK VAN HINING: My name is Dyrck Van  
6 Hining, and it came up a considerable amount of time  
7 on these locked gates, and we heard the president of  
8 public lands saying they don't know where this has  
9 come from. Everybody else, except one person, has  
10 said this is a terrible idea. Could you give us any  
11 background on possibly why this was listed as one of  
12 the talking points. Thank you.

13                   MR. DARRYL OLSON: Darryl Olson again. The  
14 only thing I say is one thing that has got to be  
15 critical is that if you're even looking at that is it  
16 has to be written, has to have public input in a  
17 subprocess before these -- any gate would ever be  
18 arbitrarily locked to the public access. There has  
19 to be public input. There has to be sound reasoning,  
20 and there has to be a written-in-stone enforceable  
21 reason behind that.

22                   And one other quick comment I wanted to  
23 make, I take exception to a comment about affected  
24 interests and parties of interest. Just because you  
25 lease this land, we, as hunters, we, as the public

1 are affected interests in this -- this is our land.  
2 This is not the ranchers' land, so we are -- we have  
3 standing as interested parties, and there is many  
4 tracts of this land that is not -- we can't compete  
5 for it. It's locked up in the middle of these lands.  
6 There is not open bidding processes in a lot of these  
7 situations, so, therefore, the landowners at times  
8 have definitely more opportunity and more access to  
9 these lands. But I just want to clarify that we do  
10 have a standing as an interested parties, hunters as  
11 outside organizations, because it is public land.

12 MR. REUWSAAT: Okay. Thanks. Now no  
13 more. We can have informal -- if there is one more  
14 person that has not had a comment would like to give  
15 a comment please state your name and affiliation.

16 MS. VERA BETH JOHNSON: My name is Vera  
17 Beth Johnson. My son and my husband and I ranch  
18 north of Billings about 30 miles. We do have some  
19 BLM rights. With that property that we purchased  
20 about ten years ago, the rights came within that  
21 property that we did purchase.

22 My husband's family has ranched for over a  
23 hundreds years, and they have taken good care of the  
24 land. They're good stewards. My husband does have  
25 education in range management and history. And,

1           again, I would like to thank you for giving me this  
2           opportunity to speak.

3                       I was not aware of this meeting until my  
4           neighbor, Ms. Pfister, told me about it. I was  
5           totally unaware of it, and I would ask you in the --  
6           or the next time that you would notify in writing the  
7           people that do have BLM rights that such a meeting is  
8           going to be held.

9                       I feel like sometimes that I am -- I think  
10          of Little House on the Prairie. I think of the  
11          Olsons and the Ingals, and the Ingals are out there  
12          working so hard, and their hands are dirty, and they  
13          put their lives and families in jeopardy a lot of  
14          times trying to keep their heads above water working  
15          the land, and where the Olsons are collecting the  
16          little eggs and whatever, and taking the trips and  
17          that.

18                      And that's how I kind of feel about these  
19          people that come here and speak, the wilderness  
20          people, the Audubon Society people, that they are the  
21          town folks, and they don't really understand what it  
22          is like out there when the snow comes and there is no  
23          rain, or the grasshoppers are there, or whatever.

24                      And I would say that good -- that ranchers  
25          on the -- I would say basically the ones that I know

1 take good care of the land, because they do. The  
2 wildlife is there. They benefit from our hard work.  
3 And I think that the friends of the earth, the  
4 wildlife folks, all of those people should  
5 congratulate the ranchers for the hard work that they  
6 do provide on their -- on the public's behalf of  
7 taking good care of BLM.

8 We have about 33,000 acres in Yellowstone  
9 County, and about 7,000 of that is BLM. I know some  
10 folks here have a lot more than that, but it is right  
11 in the middle of ranch. And, in fact, we do have a  
12 road that runs right through that, and we get our  
13 cattle out of there in the fall, so they are not  
14 shot.

15 In fact, some cattle gets lost, but not  
16 very many considering the time that we have had the  
17 property. But I would like to say that after the  
18 hunters are out of there, we go along with our  
19 plastic bags and we pick up diapers, all kinds of  
20 beer cans, pop cans left by the public.

21 We don't do that. We take good care of the  
22 land, and our cattle are there. But they do not  
23 overgraze. There is always grass left over. In  
24 fact, the past year there's about 10,000 acres total,  
25 and of that pasture that the grass is deeded, we

1        didn't put cattle in there this last year because of  
2        the drought.

3                So we are good stewards, and basically most  
4        people here that are ranchers are such. And I am  
5        really happy to see these young folks sitting up in  
6        front, because ranchers are the dying breed,  
7        unfortunately. And if you like leather shoes and you  
8        like good, clean food, try to keep the ranchers on  
9        the land, folks, because you are not going to get  
10       that clean food coming out of Mexico and other  
11       places. You don't know what is in that boxed beef,  
12       but you do know what is good Montana Angus beef.  
13       That is the prime beef.

14               Our Montana Angus beef goes to the high --  
15       the -- it doesn't go to your local markets here,  
16       folks. It doesn't go to Safeway. It doesn't go to  
17       those places. Our Montana beef goes to the high  
18       class hotels in the country, and it then goes across  
19       the seas to principalities. They know good quality.

20               And more consumers are paying higher prices  
21       for meat in the store, but they are not getting the  
22       quality, because it is not American beef. So if you  
23       like leather shoes and you like to eat good food,  
24       folks in the Wilderness Society need to work with us  
25       to try to keep us there instead of trying to get us



1 off. And I appreciate your time. Thank you.

2 MR. REUWSAAT: Okay. That concludes our  
3 public comment period.

4 (Whereupon, the public comment period ended  
5 at 7:30 p.m.)

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1 CERTIFICATE OF COURT REPORTER  
2 State of Montana )  
3 ss:  
4 County of Yellowstone )  
5

6 I, Susan Shanstrom, R.P.R., and Notary Public in and  
7 for the State of Montana, residing in Billings, Montana, do  
8 hereby certify:

9 That I was duly authorized to and did report the  
10 foregoing hearing; that the hearing was taken at the time  
11 and place stated on the caption hereto; that the hearing  
12 was taken in shorthand by me and subsequently reduced to  
13 writing under my direction; that the foregoing is a true  
14 and correct transcript of the hearing.

15 I further certify that I am not counsel, attorney,  
16 nor relative or employee of any party, nor otherwise  
17 interested in the event of this action.

18 IN WITNESS WHEREOF, I have hereunto subscribed my  
19 name and affixed my notarial seal this 3rd day of April  
20 2003.

21  
22 SUSAN SHANSTROM, R.P.R., and  
23 Notary Public, State of Montana  
24 Residing in Billings, Montana  
25 My Commission expires 8-11-04

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